

or reliance on, data from pharmaceutical development tests in ways that would exclude fair competition or impede the use of flexibilities built into the TRIPS Agreement, unless such a restriction is required for public health reasons;

Whereas the Governments of Thailand and Brazil have issued compulsory licenses to gain access to less expensive versions of second-generation anti-retroviral drugs in order to treat a much larger number of HIV/AIDS patients;

Whereas the Government of the United States has recognized the right of the Government of Thailand to issue compulsory licenses in accordance with the laws of Thailand and the obligations of the Government of Thailand as a member of the WTO;

Whereas the 2007 "Special 301" Report, the annual review of intellectual property rights protection and enforcement conducted by the Office of the United States Trade Representative, elevated Thailand to the Priority Watch List, pursuant to section 182 of the Trade Act of 1974 (19 U.S.C. 2242), for reasons including "indications of a weakening of respect for patents, as the Thai Government announced decisions to issue compulsory licenses for several patented pharmaceutical products";

Whereas the 2007 "Special 301" Report singled out Brazil for having "at times indicated consideration of the use of compulsory licensing on patented pharmaceutical products";

Whereas the 2007 "Special 301" Report cited 21 developing countries for "inadequate" intellectual property rights protections on pharmaceutical test data;

Whereas the United States Trade Representative has negotiated or is seeking to complete several bilateral or regional trade agreements with developing countries that contain further obligations to protect intellectual property rights, including—

(1) limitations on the grounds for issuing compulsory licenses;

(2) requirements that countries adopt periods of data exclusivity on the scientific evidence used to determine that drugs are safe and effective, which either delays the timely entry of generic drugs into the market or forces competitors producing generic drugs to invest in costly, time-consuming, and redundant clinical trials, including trials that violate ethical rules concerning the repetition of experiments on humans;

(3) extensions of patent terms beyond 20 years;

(4) linkage between drug registration and assertions of patent protection, so that agencies responsible for the regulation of drugs are prohibited from granting marketing approval to a generic version of a medicine if the product is covered by a patent; and

(5) obligations to extend patent protection to minor improvements in, or new uses of, older products; and

Whereas the United States is a user of flexibilities provided in the TRIPS Agreement, including the use of involuntary authorizations to use the subject matter of patents in a number of important sectors, including medical devices, software, and automobile manufacturing; Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should—

(1) honor the commitments the United States made in the 2001 World Trade Organization Doha Declaration on the TRIPS Agreement and Public Health, which allows member states of the World Trade Organization to use "to the full" the flexibilities in the Agreement on Trade-Related Aspect of Intellectual Property Rights (in this resolution referred to as "the TRIPS Agreement") "to protect public health and, in particular, to promote access to medicines for all," in-

cluding the issuance of compulsory licenses on grounds determined by member states;

(2) not place countries on the "Special 301" Priority Watch List under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) for exercising the flexibilities on public health provided for in the TRIPS Agreement, such as issuing compulsory licenses to obtain access to generic medicines in accordance with the Doha Declaration;

(3) not ask trading partners who are developing nations to adopt measures to protect intellectual property rights that relate to public health in excess of protections required in the TRIPS Agreement; and

(4) support new global norms for promoting medical research and development that seek to provide a sustainable basis for a needs-driven essential health agenda.

#### SENATE RESOLUTION 242—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS

Mrs. MURRAY (for herself, Mr. STEVENS Ms. SNOWE Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. BAYH, Mr. MENENDEZ, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. INOUE, Mr. BAUCUS, Mr. AKAKA, Mr. SMITH, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

##### S. RES. 242

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the non-discrimination principle in education;

Whereas title IX has increased access and opportunities for women and girls;

Whereas title IX has increased educational opportunities for women and girls, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the "Patsy Takemoto Mink Equal Opportunity in Education Act" in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas while title IX has been instrumental in fostering 35 years of progress to-

ward equality between men and women in educational institutions and the workplace, there remains progress to be made: Now, therefore, be it

*Resolved*, That the Senate celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

#### SENATE RESOLUTION 243—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK AND THE CONSIDERABLE VALUE OF BEACHES AND THEIR ROLE IN AMERICAN CULTURE

Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. LIEBERMAN, Mrs. DOLE, Ms. STABENOW, Mr. STEVENS, Mr. BIDEN, Mr. BURR, Mr. LEVIN, Ms. MURKOWSKI, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. MENENDEZ, Mr. DURBIN, Mr. WYDEN, Mr. FEINGOLD, Mr. CARDIN, Mr. CARPER, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

##### S. RES. 243

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas over 50 percent of the population of the United States lives in coastal counties;

Whereas the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from natural forces, sea level rise, pollution, untreated sewage, and improper use;

Whereas members of the Government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters;

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge; and

Whereas a 7-day week, commencing in June and including July 5, will be observed as National Clean Beaches Week: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages Americans to work to keep beaches safe and clean for the continued enjoyment of the public and to engage in activities during National Clean Beaches Week